REMARKS

Reconsideration and withdrawal of the rejections to the claims set forth in the Office Action of June 29, 2005 are respectfully requested in view of the following remarks.

Status of the claims

Claims 1-43 are pending.

Claims 1-5, 7, 8, 14-21, and 33-36 stand rejected under 35 U.S.C. § 102.

Claims 6, 9-13, 22-32, and 37-43 stand rejected under 35 U.S.C. § 103.

Claim 5 has been canceled without prejudice.

Claims 1, 3, 6, and 7 have been amended.

None of the amendments to the claims introduces new matter.

Claim Rejections – 35 U.S.C. § 102

The Examiner has rejected claims 1-5, 7, 8, 14-21, and 33-36 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,449,720 to Sprague et al. ("the Sprague reference"). Reconsideration and withdrawal are respectfully requested based on the following remarks.

Amended claim 1 of the instant application is directed to a method for securely installing an applet on a computer system having a data storage and a secure processor. The method includes 1) receiving an applet in the data storage, 2) with the secure processor, determining from at least a portion of the applet whether the applet is capable of being executed by the secure processor, wherein the portion of the applet includes at least one of a security meta-data portion,

a resource meta-data portion, and a meta-data signature portion, and 3) installing the applet on the secure processor if the secure processor is capable of executing the applet.

Claim 1 contains the limitation "with the secure processor, determining from at least a portion of the applet whether the applet is capable of being executed by the secure processor." (Emphasis added). Thus, among other things, the instant claimed invention requires that the secure processor (as opposed to a server) determine whether the applet is capable of being executed by the secure processor.

The Sprague Reference discloses a method and apparatus for using a cryptographic control unit as a universally available, public cryptographic control unit in a system shared by multiple independent users. (The Sprague reference, col. 1, lines 56-59). It discloses granting permission to load and run an applet inside of a crypto unit if a remote cryptographic operations center (OPC) has authorized the loading and running of the particular applet, which is identified by a given serial number. (The Sprague reference, col. 3, lines 13-21, and col. 15, lines 50-55). In the Sprague reference, it is the server (the OPC), not the device, which "grants or denies permission for the proposed security applet." (The Sprague reference, col. 3, lines 13-15.) Claim 1, however, requires that the decision is made at the secure processor. Thus, the Sprague reference does not disclose or suggest, either alone or in combination with other references of record, "with the secure processor, determining from at least a portion of the applet whether the applet is capable of being executed by the secure processor," as recited in claim 1 of the instant application in combination with the other elements recited therein. In view of the complete absence of this claim limitation in the Sprague reference, and thus the fact that the Sprague reference does not disclose each and every element of either claim 1, either expressly or

inherently, there can be no anticipation of the claimed invention by the Sprague reference. Accordingly, the rejection under 35 U.S.C. § 102(b) should be withdrawn and claim 1 should be allowed.

Claims 2-4, 7, 8, 14-21, which are dependent on claim 2 are similarly patentable over the Sprague reference.

Claim 5 of the instant application has been canceled without prejudice, rendering the rejection of this claim moot.

Claim 33 is similar to claim 1 written in system form and is similarly patentable over the Sprague reference.

Claims 34-36, which are dependent on claim 33 are similarly patentable over the Sprague reference.

Claim Rejections – 35 U.S.C. § 103

Claims 6, 9-13, 22-32 and 37-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Sprague Reference in view of U.S. Patent Application Pub. No. 2004/0015961 ("the Chefalas reference"). Applicants reassert the Chefalas reference is not an effective reference for rejecting claims 6, 9-13, 22-32 and 37-43 of the above-referenced application because it has now been antedated via a declaration pursuant to 37 C.F.R. § 1.131, and thus cannot be combined with the Sprague Reference for rejecting these claims under 35 U.S.C. § 103(a).

The Chefalas Reference is a patent publication having a filing date of March 19, 2001 (the "Critical Date"). (See M.P.E.P. §2136.03). In order to antedate the Chefalas Reference, Applicants may file a Declaration pursuant to 37 C.F.R. § 1.131 (the "131 Declaration")

affirming that they completed the inventions of claims 1-43 of the above-identified patent application, in this country, WTO country or NAFTA country, prior to the Critical Date. (See 37 C.F.R. § 1.131, M.P.E.P. §2136.05). Without addressing whether the above relevant §103(a) rejections of claims 6, 9-13, 22-32 and 37-43 are proper (i.e., which rely on the Chefalas reference), Applicants respectfully assert that the Chefalas Reference is no longer an effective § 102(e) reference for claims 1-43 because it has now been antedated via the 131 Declaration. Applicants have included a 131 affidavit with additional factual detail than the earlier declaration filed concurrently with the response to the office action of July 16, 2004. Applicants reserve the right to address and traverse this §103(a) rejection at any point during the prosecution of the above-referenced application.

Accordingly, without the ability to be combined with the Chefalas Reference, the Sprague Reference fails to teach or suggest each and every element of claims 6, 9-13, 22-32 and 37-43, nor does the Examiner contend that they do. In fact, the Examiner confirms that without combining with the Chefalas Reference, the Sprague Reference fails to teach or suggest each and every recitation as provided in claims 6, 9-13, 22-32 and 37-43 of the above-referenced application. Thus, the § 103(a) rejection of claims 6, 9-13, 22-32 and 37-43 should be withdrawn.

Conclusion

In view of the foregoing, the application is now believed to be in condition for formal allowance. Prompt and favorable action is respectfully requested. Applicant does not believe that any additional fee is required in connection with the submission of this document. However, should any additional fee be required, or if any overpayment has been made, the Commissioner

is hereby authorized to charge any fees, or credit or any overpayments made, to Deposit Account 02-4377.

Respectfully submitted,
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